

# House File 441 - Introduced

HOUSE FILE 441

BY ALONS

## A BILL FOR

- 1 An Act relating to a general assembly member's right to
- 2 intervene in a court action and including effective date and
- 3 applicability provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1. NEW SECTION.   **613.22 Intervention rights —**  
2 **general assembly.**

3     1. In any court action in which the constitutionality,  
4 legality, or interpretation of a statute is at issue, a member  
5 or members of the general assembly shall have an unconditional  
6 right to intervene as a party in the action and shall be deemed  
7 to have proper standing in the action.

8     2. A member or members of the general assembly desiring  
9 to intervene shall have an unconditional right to intervene  
10 as a party, and any subsequent member or members shall have a  
11 conditional right to intervene.

12    3. The only defense that may be raised to a motion to  
13 intervene as of right under this section is that the proposed  
14 intervenor does not have a good faith intention to defend the  
15 law. Any party or proposed intervenor may raise this defense.

16    4. A member or members of the general assembly may request  
17 to be represented by the attorney general, if the attorney  
18 general is not already representing a party to the action. If  
19 the member or members of the general assembly engage a private  
20 attorney, no public moneys shall be expended for attorney fees.

21    Sec. 2. **EFFECTIVE UPON ENACTMENT.** This Act, being deemed of  
22 immediate importance, takes effect upon enactment.

23    Sec. 3. **APPLICABILITY.** This Act applies to actions pending  
24 or filed on or after the effective date of this Act.

25                                   EXPLANATION

26    This bill relates to a general assembly member's right to  
27 intervene in a court action.

28    The bill provides that in any court action in which the  
29 constitutionality, legality, or interpretation of a statute is  
30 at issue, a member or members of the general assembly shall  
31 have an unconditional right to intervene as a party in the  
32 action and shall be deemed to have proper standing in the  
33 action.

34    The bill provides that a member or members of the general  
35 assembly desiring to intervene shall have an unconditional

1 right to intervene as a party and any subsequent member or  
2 group of members shall have a conditional right to intervene.

3 The bill provides that the only defense that may be raised  
4 to a motion to intervene as of right under the bill is that  
5 the proposed intervenor does not have a good faith intention  
6 to defend the law.

7 The bill allows the member or members of the general assembly  
8 to request to be represented by the attorney general if the  
9 attorney general is not already representing a party to the  
10 action. If the member or members of the general assembly  
11 engage a private attorney, no public moneys shall be expended  
12 for attorney fees.

13 The bill takes effect upon enactment and applies to actions  
14 pending or filed on or after the effective date of the bill.